

**REMARKS:**

**REMARKS REGARDING CLAIMS AMENDMENTS:**

Claim 3 has been amended to overcome rejection under 35 U.S.C. § 112 second paragraph. Request is made for entry of new claim 18, which provides an independent claim indicated by the Office Action to be an allowable claim. Claims 1 - 9, 14 - 16 and 18 are pending in the present application

**IN RESPONSE TO THE OFFICE ACTION:**

**REJECTION UNDER 35 U.S.C. § 112:**

Claim 3 stands rejected under 35 U.S.C. § 112 second paragraph as being indefinite because “the intended position,” at line 2, appears to lack antecedent basis.

Claim 3 has been amended to overcome rejection by removal of the term “the intended position.” Applicants request reconsideration and withdrawal of the rejection.

**REJECTION UNDER 35 U.S.C. § 102:**

The Office Action indicated rejection of claims 1 - 4, 14 and 15 under - 35 U.S.C §102(b) as being anticipated by Frolov et al. (U.S. Patent Application 2003/0223872). Detail of the rejection is reproduced for convenient reference as follows:

Frolov et al. discloses method for manufacturing a stator component which is intended during operation to conduct a gas flow, said method comprising providing a stator component made up of at least two sections in its circumferential direction, which sections each have at least one wall part; and orienting the section adjacent to each other and interconnecting the two wall parts, one from each of two adjacent sections, in order together to form a means extending in the radial direction of the component, for guidance of the gas flow and/or transmission of load during operation of the component, wherein a first of the adjacent sections is constructed by a first wall part and a second wall part is spaced apart so as to define a gas duct between them in the circumferential direction the first and second wall parts are mutually arranged such that, in the intended position in the component, they at least partially extend essentially in the radial direction of the component (Figs. 2 and 3).

Applicants have considered the Examiner's reliance on Figure 2 and Figure 3 of Frolov et al., but respectfully disagree that they meet the teaching requirements of an anticipating reference under 35 U.S.C. §102. The pertinence of Frolov et al. is not apparent (37 CFR 1.104(b)(2)). Reliance upon drawings essentially admits that the remainder of the reference is silent regarding claims limitations of the present invention. Also, when using drawings as a basis for claims rejection, MPEP 2125 requires that a picture must show all the claimed structural features and how they are put together. *Jockmus v. Leviton*, 28 F.2d 812 (2d Cir. 1928). Also, the drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art. *In re Aslanian*, 590 F.2d 911, 200 USPQ 500 (CCPA 1979).

Discussion of the present invention and the reference includes a table showing at least three differences of claims of the present invention compared to teachings of Frolov et al. as follows:

COMPARISON OF THE PRESENT INVENTION WITH  
TEACHINGS OF THE REFERENCE (FROLOV ET AL.)

Claims Requirements of the Present Invention	Frolov et al. U.S. 2003/0223872
Claim 1 recites, "providing a stator component (29, 129) made up of at least two sections (13, 14, 15; 113) in its circumferential direction, which sections each have at least one wall part (1, 2; 101, 102)"	Frolov et al. teaches the structure of an annular, bucket cover 14 made up of arcuate cover segments 23 (see e.g. Title, Abstract and paragraphs [0016] to [0017]). The annular cover and buckets form a turbine rotor (see paragraph [0002] not a stator component. A rotor rotates, a stator is stationary.
Claim 1 further recites, "orienting the sections adjacent to each other and interconnecting the two wall parts, one from each of two adjacent sections - - - for guidance of the gas flow."  According to the present invention adjacent sections are held together by interconnecting two intervening wall parts.	According to Frolov et al. "The segments and hence the elements may span three or more buckets and are fitted on tenons of the buckets" (see paragraph [0005]). The segments 23 are held to the rotor 10 due to spreading of the tenons 32 by peening (see paragraph [0021]).  A rotor does not guide a gas flow but rotates in response to a gas flow.

Claim 2 recites “ - - - in a first of the adjacent sections (13; 113) is constructed by a first wall part (1; 101) and a second wall part (2; 102) is spaced apart so as to define a gas duct (3; 103) between them - - -.”	Frolov et al. is silent regarding sections held together by interconnected wall parts and fails to either describe or illustrate walls having a spaced apart relationship so as to define a gas duct.
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Evidence that Frolov et al. is not an anticipating reference will now be provided in additional detail giving consideration to teachings found both in the drawings and the descriptive portion of the reference, which teaches a cover for turbine buckets (see Title and Abstract). According to Frolov et al., at paragraph [0016], FIG. 1 illustrates “a rotor 10 mounting a plurality of circumferentially spaced buckets (vanes), one of which is illustrated at 12, having a bucket cover 14. Axially adjacent stator vanes 16 and 18 of the fixed component of the turbine are also disclosed in the turbine flowpath 20.” Neither Fig. 2 nor Fig. 3 includes stator vanes 16 and 18. The figures do not teach a stator structure.

In claim 1, the present invention claims a method for making an annular stator component using a plurality of sections joined together by interconnecting intervening walls. When two such sections are joined together a strut will be formed by a left wall of one section connected to a right wall of an adjoining section. Frolov et al. does not disclose the joining of sections using intervening wall parts, but instead teaches an annular cover manufactured by joining a plurality of arcuate cover segments 23 (see paragraph [0017]) to each other. The segments “may span three or more buckets and are fitted on tenons of the buckets” (see paragraph [0005]). An annular cover 14 is provided with circumferentially spaced openings for receiving the tenons (see Fig. 2).

At paragraph [0018] the reference adds further description of the tenons, stating with reference to Fig. 2, “the buckets 12 terminate at their outer tips in tenons 32. Each of the cover elements 26, 28 and 30 has openings at circumferentially spaced positions to receive the tenons 32.” The segments 23 are held to the rotor 10 due to spreading of the tenons 32 by peening (see paragraph [0021]).

The method of making a rotor of Frolov et al. uses tenons of buckets received in holes formed in segments that may span three or more buckets. Tenons are peened to secure the

segments in place. Connections between buckets and segments 23 of the annular cover 14 are peripheral, peened joints around the circumference of the cover. In contrast, the present invention interconnects wall parts to form intervening structures, described as ducts in claim 2, and further described to “at least partially extend essentially in the radial direction of the component” (see claim 3). Radially extending structures provide connection between sections that may be constructed in the same manner (see claim 14). It is clear that Frolov et al. teaches a different method to form a rotor, than the present invention uses for manufacturing a stator component. The reference, therefore, does not teach a stator or how to make it.

In view of the above, Applicants request reconsideration and withdrawal of the rejection of claims 1-4, 14 and 15 under 35 U.S.C. §102(b).

#### **ALLOWABLE SUBJECT MATTER**

Applicants acknowledge with appreciation that Claims 5 - 9 represent allowable subject matter, overcoming objection if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is believed that original claims 1- 9 and 14 - 16 should be allowed as discussed above. Also new claim 18 is believed to be allowable, overcoming the stated objection, since claim 18 includes the limitations of claims 1, 2, 4 and 5.

Having made an earnest attempt to respond to all the points included in the Office Action and in view of the above, Applicants request that the rejection of claims 1 - 4, 14 and 15 under 35 U.S.C. §102 be reconsidered and withdrawn and that the Examiner indicate the allowance of all pending claims 1 - 9, 14 - 16 and 18 in the next paper from the Office.

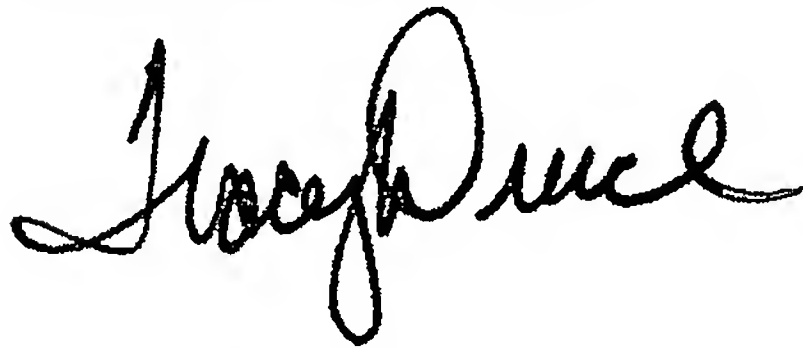
Serial No.: 10/604,758  
Confirmation No.: 1757  
Applicant: LUNDGREN, Jan *et al.*  
Atty. Ref.: 07589.0048.NPUS01

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, Order No. 07589.0048.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracy Druce". The signature is fluid and cursive, with the first name "Tracy" written in a larger, more prominent script than the last name "Druce".

Tracy Druce  
Patent Attorney  
Reg. No. 35,493